

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TAKEDA PHARMACEUTICAL
COMPANY LIMITED, TAKEDA
PHARMACEUTICALS NORTH
AMERICA, INC., TAKEDA
PHARMACEUTICALS LLC, TAKEDA
PHARMACEUTICALS AMERICA,
INC., and ETHYPHARM, S.A.,

Plaintiffs,

v.

ZYDUS PHARMACEUTICALS USA
INC. and CADILA HEALTHCARE
LIMITED

Defendants.

CIVIL ACTION NO:
3:10-CV-01723-JAP-TJB

**DECLARATION OF
VINCENT P. RAO IN SUPPORT
OF DEFENDANTS'
MEMORANDUM OF LAW IN
OPPOSITION TO PLAINTIFFS'
MOTION *IN LIMINE* TO
PRECLUDE EXPERT TESTIMONY
BY JAMES MORRISON**

I, VINCENT P. RAO, declare under penalty of perjury pursuant to 28
U.S.C. § 1746 that:

1. I am an associate with the law firm of Kelley Drye & Warren
LLP (“Kelley Drye”), with offices at 200 Kimball Drive, Parsippany, New Jersey,
counsel for defendant Zydus Pharmaceuticals USA, Inc. and Cadila Healthcare
Limited (“Zydus”) in the above-captioned action. I submit this declaration in
support of Zydus’s Opposition to Plaintiffs Motion *In Limine* to Preclude All
Testimony and Evidence Relating to New and Untimely Disclosed Prior Art
References.

2. Attached hereto as Exhibit A are true and correct Excerpts from the January 25, 2013 Amended Supplemental Expert Report of David E. Bugay.

3. Attached hereto as Exhibit B is a true and correct Excerpt from the transcript of the February 15, 2013 deposition of David E. Bugay.

4. Attached hereto as Exhibit C are true and correct Excerpts from the February 12, 2013 Rebuttal Expert Report of James C. Morrison.

5. Attached hereto as Exhibit D is a true and correct Excerpt from the transcript of the February 25, 2013 deposition of James C. Morrison.

I declare under penalty of perjury that the foregoing statements are true and correct and acknowledge that if they are willfully false I am subject to punishment under penalty of perjury.

Dated: March 6, 2013

/s/ Vincent P. Rao

Vincent P. Rao